

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

In Re: )  
AREDIA® AND ZOMETA® PRODUCTS )  
LIABILITY LITIGATION )  
(MDL No. 1760) )      No. 3:06-MD-1760  
This Document Relates to: )      Judge Campbell/Brown  
Cherry, 3:06-00977 )

**ORDER**

Pending before the court is NPC's motion to vacate and dismiss. (DE 6627; Related Case 47) Although plaintiff discusses Texas law tangentially in his response to NPC's motion with respect to the rights of "heirs" when a decedent dies intestate (DE 6727, pp. 7-8; Related Case 51), nowhere in the record is it said definitively whether the late Ms. Cherry died testate or intestate. Plaintiff shall supplement the record **NOT LATER THAN** August 14, 2013, advising the court whether the late Ms. Cherry died testate or intestate.

It is so **ORDERED**.

**ENTERED** this the 7<sup>th</sup> day of August, 2013.

/s/Joe B. Brown \_\_\_\_\_  
Joe B. Brown  
United States Magistrate Judge